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DECEMBER 1999

HELENA, MONTANA

VOL. XII NO. 7

POSTSECONDARY EDUCATION POLICY AND BUDGET SUBCOMMITTEE

PEPB Meets in November...At its November 4th meeting, the Subcommittee on Postsecondary Education Policy and Budget (PEPB):

1. heard a report by Scott Cole on the non-resident FTE and tuition shortfall of nearly \$2 million at the University of Montana;
2. heard reports on budgeting by Rod Sundsted and Sandy Whitney;
3. discussed reports on program quality assessment and faculty productivity presented by Dr. Joyce Scott;
4. acted on a report on local community committees presented by Eddy McClure; and
5. agreed to have Eddy McClure take the issue of proprietary schools to the Business, Labor, and Agriculture Committee.

PEPB Hears Reports on SJR 16 Study...Reports presented to the PEPB on November 4th provided background information to the Subcommittee to aid in SJR 16 decisions, beginning in February 2000. The decisions will include the potential changes, if any, in the process of lump sum funding and potential recommendations on alternative funding systems.

In his report, "Current Budgeting Practices in the Montana University System", Rod Sundsted, Associate Commissioner for Fiscal Affairs, tracked the University System budgeting practices from the preparation of the Executive Budget through legislative appropriation, allocation of funds to the units, the campus budget development, and the Board of Regents approval.

Taryn Purdy, Principal Fiscal Analyst for the Legislative Fiscal Division, presented Sandy Whitney's report "Legislatively Calculated Budget Compared to Allocations by Unit and Program", demonstrating how the legislative lump sum appropriation was constructed and how it was ultimately allocated to each unit.

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The report compares construction of the legislative appropriation to the operating plan, the state funds expenditures in fiscal 1999 to the Regents fiscal 2000 operating plan, and the changes in the numbers of state dollars per resident student FTE from fiscal 1999 to fiscal 2000. The Regents operating plan parallels the state funds appropriations to the entire system, with the exception of pay plan increases in excess of 3.0 percent in the Commissioner's Office. However, comparisons of fiscal 1999 expenditures to fiscal 2000 allocations by unit show differences ranging from a 1.4 percent net reduction of state funds at UM-Western to a 15.1 percent increase at the Helena College of Technology. When the fiscal 1999/2000 comparison is adjusted for the changes in the numbers of resident FTE, the state funds per student were reduced at both MSU-Billings and UM-Western, while the Helena COT received a 14.8 percent increase.

"Models of State/University System Management" by Sandy Whitney was also presented by Taryn Purdy. The report discussed higher education management and funding relationships and showed how Montana has moved from a relationship of state control of higher education in 1988 to one of a state-aided system in 1999. This change, primarily through lump sum funding, has provided the University System with more funding and management flexibility. The report included general objectives that could guide legislative funding of the University System, including equality of opportunity for students, quality of the University System's programs, access to higher education, and assessment of the units' strengths and weaknesses. The report concluded by showing how these objectives would be met or not met through incremental, formula, and performance budgeting and how well Montana met the financing objectives through its combination of budgeting methods in 1988 and 1999.

PEPB Hears About Program Quality Assessment and Faculty Productivity... Dr. Joyce Scott, Deputy Commissioner for Academic and Student Affairs, provided an overview of the tools currently employed by the campuses to assess program quality and faculty productivity. The tools included tenure review for professors and a graduate survey to determine student success conducted Montana Tech of the University of Montana.

Subcommittee Takes other Actions...In other action, the Subcommittee agreed to ask Eddy McClure, Staff Attorney for the Legislative Services Division to:

1. write a letter to Senator Ken Miller discussing the Subcommittee's findings on community committees, as directed by SJR 16, and explaining the Subcommittee's decision to not pursue that issue any further; and
2. take the issue of oversight of proprietary schools to the Business, Labor, and Agriculture Committee at its November 12th meeting.

To Meet in February 2000...The Subcommittee will meet on Thursday, February 10, 2000, in Room B7 of the Federal Building, beginning at 9 a.m.

INFORMATION TECHNOLOGY MANAGEMENT SUBCOMMITTEE

Subcommittee Organizes...The Information Technology (IT) Management Study Subcommittee of the Legislative Finance Committee (LFC) held its organizational meeting on October 7. Subcommittee members are Representative Bob Raney (Chair), Representative Tom Zook, Senator Tom Beck, and Senator Greg Jergeson.

To Study Information Technology in States...House Bill 2 (HB2), as passed by the 1999 Legislature, requires an interim study of the governance and management of information technology in the state. HB 2 authorizes the LFC to review and assess Montana's governance, policy, planning, and budgeting structures and processes associated with the state's investment in IT and to recommend appropriate changes and processes that will enable the Legislature to make policy decisions relevant to IT budget issues. HB 2 requires four specific outcomes:

1. recommendations to the Office of Budget and Program Planning (OBPP) for presentation of IT budget information that enables the Legislature to make policy decisions relevant to IT budget requests;
2. development (by OBPP) of a unified computer budget summary by November 15, 2000, showing fiscal year 2000 actual and adjusted IT expenditures and budgeted amounts for each year of the 2003 biennium;
3. review of the unified computer budget summary and other IT-related budget information by the Long-range Planning Joint Appropriations Subcommittee, or other legislative committee, as designated, composed of members of the House Appropriations and Senate Finance and Claims Committees formed specifically to address statewide computer issues; and
4. a report of Subcommittee findings and recommendations to the Governor and the 57th Legislature.

Looking Ahead...The Subcommittee will meet on December 8 in conjunction with the Legislative Finance Committee meeting. The focus of this meeting will be the discussion and decision of what kind of IT-related information should be included in agency budget requests and how the information should be presented to the Legislature.

If you wish to be placed on the interested persons' list, please contact Pamela Joehler or Greg DeWitt, Legislative Finance Division, by phone at (406) 444-2986, by e-mail at <pjoehler@state.mt.us> or <gdewitt@state.mt.us>, or by mail at Legislative Fiscal Division, PO Box 201711, Helena, MT 59620-1711.

ENVIRONMENTAL QUALITY COUNCIL

EQC to Meet December 2...The EQC will meet on Thursday, December 2 in

Room 330 of the City-County Building in Helena. The Council will hear subcommittee updates; TMDL litigation update; a panel discussion on the recent Supreme Court case construing the environmental provisions of the Montana Constitution; BLM update on the increased river recreation during the Lewis and Clark bicentennial celebration; and an update from DNRC, DEQ, and the Board of Oil and Gas on coal bed methane issues. EQC Subcommittee activities are set out below.

MEPA Issues...The MEPA Subcommittee will be meeting on Wednesday, December 1 in the DEQ Director's conference room in the Metcalf Building in Helena from 9 a.m. to 5 p.m. with a public hearing on the SJR 18 Study scheduled for 6:30 p.m. to 8 p.m.

The Subcommittee will hear a panel discussion on whether MEPA is being implemented substantively and/or procedurally, a comparison of other state environmental policy acts, additional MEPA document data base analysis, a panel discussion on MEPA documents and definitions, and an update on public participation and MEPA from the Montana Consensus Council.

For more information contact Todd Everts at 444-3747 (teverts@state.mt.us) or Larry Mitchell at 444-1352 (lmitchell@state.mt.us)

Eminent Domain Issues...The Eminent Domain Subcommittee will meet on December 1 from 9 a.m. until 5:30 p.m. The meeting will be held in Room 330, City-County Building, 316 N. Park Ave. in Helena. Following the Subcommittee meeting there will be a public hearing held in the same room.

The Subcommittee will start off its meeting with concept discussions. There are numerous terms such as condemnation, public use, public benefit, necessity, and takings that can be interpreted differently. The Subcommittee is going to discuss its interpretations of these concepts.

The concept discussion will be followed by a panel discussion on pipeline bonding, mitigation measures, and standards. Tom Ring, DEQ, will provide insight into the state's programs; Terry Egenhoff, USFS, will discuss federal requirements and the potential differences between projects on public land and private land; and Jay Waterman, Montana Power Company, will discuss natural gas pipelines as well as provide information on requirements for pipelines that never leave Montana's borders.

Other items that the Subcommittee will discuss are:

- historical use of eminent domain in Montana;
- if other states grant the authority to exercise the right of eminent domain to other entities as agents of the state and if so, to whom;
- a case study regarding a Montana Department of Transportation project;
- federal/state relationships in eminent domain cases. Does the state have concurrence on federal projects? If so, how much? and
- process followed for the reversion of property.

The Subcommittee will round out its day by finalizing its work plan and discussing future meeting dates and locations for the next two public hearings.

If you would like additional information about the meeting or the public hearing, please contact Krista Lee at 444-3957 or by e-mail at <klee@state.mt.us>.

Water Policy Issues... Approximately 27 people came to a public hearing hosted by the Water Policy Subcommittee in Great Falls on October 21. The purpose of the hearing was to hear comments about a Montana Department of Environmental Quality proposal to reissue a revised general permit for concentrated animal feeding operations.

For more information contact Mary Vandenbosch at 444-5367 or by e-mail at <mvandenbosch@state.mt.us>.

Land Use/Environmental Trends... The EQC's Land Use/Environmental Trends Subcommittee will meet December 2 in Helena. The Subcommittee continues to study the following topics:

- tools to address residential development in riparian areas;
- implementation of the 1999 EQC growth legislation; and
- use of environmental indicators by state agencies.

Please contact Mary Vandenbosch at 444-5367 or by e-mail at <mvandenbosch@state.mt.us> for more information.

Next EQC Meeting... The next EQC meeting is scheduled for January 21, 2000.

LEGISLATIVE SERVICES DIVISION

Legal Memos Available... The following legal memorandums are available from the Legislative Library:

"Montana Law Governing Government Contracts for Services" by John MacMaster

"Comparison of State Construction Contracts and State Contracts for Services" by John MacMaster

To obtain a copy of either or both memorandums, please call 444-3064 or e-mail a request to <efurbush@state.mt.us>.

BUSINESS, LABOR, AND AGRICULTURE COMMITTEE

BLAC Meets in November... The Business, Labor, and Agriculture Committee (BLAC) met on November 12, at the Montana Association of Counties building in

Helena. During the morning session, the Committee heard from the State Fund about issues related to managed care organizations and the process the Fund administered to select a managed care provider organization.

Additionally, the Department of Commerce presented the Committee with information about its efforts to study the appropriateness of adopting the new International Building Codes or continuing to enforce the existing Uniform Building Codes. The Department will continue to update the Committee on the progress of the study throughout the interim.

Subcommittee to Study Workers' Comp Benefit Levels...After discussing Senate Joint Resolution No. 15, a study of certain workers' compensation benefit levels, the full Committee determined that the best approach to narrow the questions raised was to create a subcommittee. BLAC Chair, Sen. John Hertel, appointed four members and directed staff to establish an outside working group to assist the Subcommittee in its duties. Staff has scheduled an organizational session for Friday, December 3 in Helena. The Subcommittee anticipates presenting a preliminary study plan to the full Committee during the January meeting.

Committee Prepares Survey on Government Competition...The Committee focused most of its attention on the government competition with private vendors' study. The members had instructed staff to prepare two questionnaires, one directed toward private vendors and one applying to governmental entities. The questionnaire is designed to elicit information about the experiences both entities have had regarding competitive practices in service delivery. The Committee requested that the surveys be circulated to as wide an audience as possible. The tentative deadline for respondents to return the survey to the Legislative Services Division was set at December 31.

Surveys may be mailed directly to the Legislative Services Division at P.O. Box 201706, Helena, MT, 59620-1706, c/o Gordy Higgins or faxed in at (406) 444-3036.

If you would like to receive a competition questionnaire or would like additional information on Committee activities, contact Gordy Higgins at (406) 444-3064 or by e-mail at <ghiggins@state.mt.us>.

To Meet Again in January...The Business, Labor, and Agriculture Committee will meet Thursday and Friday, January 13 and 14, 2000, in Helena. An agenda and location will be provided at a later date. Tentatively, the Committee will discuss the preliminary survey responses regarding the scope of government competition with private vendors.

REVENUE AND TAXATION COMMITTEE

Committee to Meet December 10...The Revenue and Taxation Committee is scheduled to meet Friday, December 10 at the Public Service Commission (Bollinger

Room), 1701 Prospect Ave. in Helena. Tentative agenda items include:

- follow up to September meeting review of housing trust funds and revenue sources;
- Department of Revenue program overview presentation, including public comment on activities of the Department;
- WEFA report on national economic trends related to estimating state revenue;
- Department of Revenue Tax Policy reports;
- Transportation Commission report on duties and responsibilities;
- Department of Transportation topics;
- Committee responsibilities to review rules of executive branch agencies; and
- implications of Montana Supreme Court decision related to HB 260.

House Bill No. 260 established a coal producers license tax in part to provide revenue for research and commercialization projects in Montana. That legislation has been challenged as unconstitutional by Montanans for the Coal Trust. The Montana Supreme Court took original jurisdiction of the case. The level of Committee discussion related to the issue will depend on whether the Court has issued an opinion before the December meeting.

Subcommittee to Meet...At the September meeting, Representatives Bob Story and Ron Erickson were appointed to a subcommittee to study alternatives to existing debt limit provisions for local governments. The Subcommittee will meet December 9 at 11 a.m in Room 487 of the Federal Building (301 S. Park Ave., Helena)

For additional information about the meetings or the Committee, contact Jeff Martin by calling (406) 444-3064 or by e-mail at <jmartin@state.mt.us>.

STATE ADMINISTRATION COMMITTEE

State Administration Committee Meets...The State Administration, Public Employee Retirement Systems, and Veterans' Issues Committee (SAIC) held its third meeting of the interim on November 8 and 9. The SAIC's two subcommittees, Disability Retirement and Health Insurance for Retirees Subcommittee and Veterans' Affairs Subcommittee, also met.

Subcommittee Discusses Disability Retirement...The Disability Retirement and Health Insurance for Retirees Subcommittee met on the morning of November 8. The focus of the meeting was a presentation by Public Employee Retirement Board staff on the provisions relating to "disability retirement" within each of the state's retirement plans. A panel discussion by representatives of the Public Employee Retirement System and Board (PERB), the Teachers' Retirement System and Board,

the State Personnel Division, and the Montana University System further illuminated similarities and differences among the systems' program options.

SAIC Discusses Homeless Stand Downs...The full SAIC met beginning the afternoon of November 8 to review the 1998 and 1999 Homeless Stand Downs. Individuals providing information to the SAIC included: Maj. Gen. John E. Prendergast, Adjutant General, MTNG; Jim Jacobson, Administrator, MVAD; Debra Daggett, Commander, Montana Department of the Disabled American Veterans (DAV); Michael O'Neil, Golden Triangle Mental Health Center; and Rick Salyer, Chairman, Homeless Task Force and former Commander, Montana Department of the DAV. Discussion between the presenters and SAIC members revealed that there are many Montana veterans in need of a range of services, from medical and dental care to basic shelter, clothing, and food.

Immediately following the review of the 1998 and 1999 Stand Downs, the full SAIC recessed until the following morning, and the Veterans' Affairs Subcommittee met. The topics of discussion by the Veterans' Affairs Subcommittee were a continuation of the issues discussed by the full SAIC, the panel participants, and others earlier in the afternoon. The Subcommittee indicated an interest in learning more about the programs and services available to veterans, particularly homeless veterans. Planning was also begun to determine the possibility/advisability of conducting stand downs in communities outside Helena, particularly in the larger cities.

Committee Hears About Defined Contribution Plan...The full SAIC reconvened at 8 a.m. on November 9. The first topic of discussion was a briefing on the design and implementation of the optional Defined Contribution (DC) retirement plan for state employees. Mike O'Connor, PERB Executive Director, and Terry Teichrow, PERB President, provided a step-by-step review of the recommended structure and options to be reflected in the DC plan. A request for proposals for the DC plan will be disseminated by the PERB within the next few weeks.

Committee Discusses State Contracting...Following the discussion of the DC plan, the SJR 9 study of state contracting law and processes was the focus of discussion for the remainder of the day. Three panels were assembled to discuss:

- Montana law relevant to general procurement and contracts, highway contracts, and building contracts;
- administrative procedures followed by various departments for general procurement and contracts, highway contracts, and building contracts; and
- the various implications of state contracting in the context of "the state's best interests".

To Meet Again in January...The SAIC and the Subcommittees are scheduled to meet again on January 20 and 21, 2000, and staff and members will be compiling and reviewing information in the coming weeks. Questions regarding the

SAIC or the topics assigned to the SAIC may be directed to Sheri Heffelfinger at the Legislative Services Division (444-3064) or to SAIC Chair, Rep. Matt Brainard (549-3249).

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES COMMITTEE

CFHHS Hears About Dental Crisis...The Children, Families, Health, and Human Services Committee met on November 19. The Committee received a report from participants of the Montana Dental Summit held on November 18. Dental care access has reached crisis proportions in Montana and nationwide. A group of interested parties gathered, with assistance from the Health Resources and Services Administration, to begin addressing the issues. Working groups on financing, workforce issues, data, and education will be meeting over the next two months and will bring some short-term solutions to the Committee at its next meeting on February 25, 2000. For information on the working groups, please contact Susan Byorth Fox with Legislative Services or Cheri Seed with DPHHS.

Committee Hears from Other Groups...The Committee received numerous reports from other groups addressing issues of concern to the Committee. The State Administration Committee will maintain the monitoring and oversight of the National Guard Project Challenge, but the Children and Families Committee will ask for an update of the program at its next meeting. The Governor's Advisory Council on Families presiding officer, Hon. Katherine Curtis, reported to the Committee on its study topics and introduced many of its members. The two committees expect to share information over the course of the interim. The Tobacco Settlement Subcommittee will be participating on the Governor's Advisory Council on Tobacco Use Prevention, and in February, when the Governor's Council releases its draft report, the Subcommittee will begin analyzing the tobacco proposals for next session. The Committee received updates on mental health, foster care, and developmental disabilities and will be following up in depth at future meetings.

Committee Discusses Administrative Rule...The Committee addressed the administrative rule issue regarding Rule X of the Network Adequacy Rules for Managed Care. The Committee did not pursue its objection based on the Department's interpretation that the rule had been adopted. The Committee did not preclude other legislative remedies in the future.

Welfare Reform Main Topic of Discussion...The main study topic was Families Achieving Independence in Montana (FAIM), Temporary Assistance Needy Families (TANF), and related welfare issues. The Committee asked for a follow-up report at its next meeting on the issues of including advocacy groups in the development of strategies for public participation and receiving input for the "road show" on FAIM

II and on the development of a discussion group on the work participation requirements that are in effect prior to the first appointment for applicants of FAIM Cash Assistance.

To Meet in February...The next meeting date for the Committee is February 25, 2000, and the meeting will include as its main topics a report from the working groups on dental care, a report from the members serving on the Governor's Advisory Council on Tobacco Use Prevention, and more on foster care issues. Standing reports will include the HJ 35 Mental Health Subcommittee, Project Challenge, FAIM and TANF issues, and administrative rule issues.

Minutes and agendas will be posted to the new interim committee website at http://leg.state.mt.us/interim_committees/Children_and_Families/index.htm. Please visit the website and let us know what you think!

For more information or if you wish to be placed on the interested persons list, please contact Susan Byorth Fox by phone at (406) 444-3597, by e-mail at <sfox@state.mt.us>, or mail to Legislative Services Division, PO Box 201706, Helena MT 59620-1706.

DISTRICTING AND APPORTIONMENT COMMISSION

Commission to Meet in December...The Districting and Apportionment Commission has scheduled its first meeting with its full membership on December 13. The meeting will be held in Room 487 of the Federal Building in Helena from 1 p.m. to 4 p.m. The agenda will include census information and discussion of an accelerated schedule. The Commission is likely to adopt its schedule for the next year in preparation for the receipt of the census data that triggers the redistricting process.

The Commission's charge is to redistrict the state for both the congressional and legislative districts following the 2000 census. By January 1, 2001, the state will learn whether an additional congressional seat will be gained in the reapportionment of congressional seats. The census data is expected in the first months of 2001, when redistricting will begin in earnest. In the meantime, the Commission will be preparing background research, adopting a timetable for the process, selecting criteria, and making decisions on data and methodology.

If you wish to be placed on the interested persons list, please contact Susan Byorth Fox by phone at (406) 444-3597, by e-mail at <sfox@state.mt.us>, or mail to Legislative Services Division, PO Box 201706, Helena MT 59620-1706.

EDUCATION AND LOCAL GOVERNMENT COMMITTEE

Committee Focuses on Local Government Issues...The Education and Local Government Committee met on Friday, November 5. The main focus of the meeting was on local government.

Connie Erickson, lead staff for the Committee, presented a report on the various forms of local government available to Montana citizens. (Please see "The Back Page" article in the November *INTERIM*.) A copy of the report entitled "Title 7, Chapter 3: A Cafeteria-Style Approach to Local Government" is available from the Legislative Services Division at 444-3064 or on the Committee's website at http://leg.state.mt.us/interim_committees/EDUCATION/Education_main.htm.

Alec Hansen of the Montana League of Cities and Towns reported to the Committee on issues of importance to municipalities. The biggest issue facing municipalities right now is whether the state can honor its reimbursement promises in the future. Because of legislation passed in 1999, the tax base for local governments will eventually be reduced by 27%. If reimbursement does not continue, local governments will face a severe financial crisis. Mr. Hansen also advocated passage of legislation that would give local governments the option of enacting a local option tax. That is the best way for a municipality to provide services and benefits to its citizens. He feels the best local option tax is one that targets tourists. Mr. Hansen said that the League believes that greater local control should be given to local governments. In Montana, most authority is vested in the Legislature and in state agencies. More authority should be given to local governments. Mr. Hansen stated that local governments will use this authority in an appropriate and judicious manner.

To Meet in February...The next meeting of the Committee is scheduled for February 11, 2000. The main topic of discussion at that meeting will be out-of-district tuition.

Subcommittee Meets...The Local Government Subcommittee met on Thursday, November 4. The Juvenile Probation Officers' Association presented their plan for addressing the issue of salaries for juvenile probation officers (JPO). The plan ties JPO salaries to the salaries of district court judges. The salary for the chief JPO in each judicial district would be paid one-half by the state and one-half by the counties in the judicial district. The deputy JPO salaries would be the full responsibility of the counties. Before making any decision on whether or not to support this plan, the Subcommittee wants to hear from the district court judges and from the counties. A roundtable discussion involving all of the entities impacted by the JPO plan is scheduled for February.

With regard to the HJR 29 study of local government laws, staff reported that a working group has been formed and some draft legislation addressing public notice will be presented to the Subcommittee in February.

For further information about the Committee or the Subcommittee, please contact

Connie Erickson, Legislative Services Division, at 444-3064 or by e-mail at <cerickson@state.mt.us>. You can also visit the Committee's website at http://leg.state.mt.us/interim_committees/EDUCATION/Education_main.htm.

LAW, JUSTICE, AND INDIAN AFFAIRS COMMITTEE

Committee Discusses Variety of Issues in Missoula...The Montana Women's Prison (MWP), the 1991 Human Skeletal Remains and Burial Site Protection Act, the Board of Pardons and Parole, and the Department of Justice were just a few of the diverse items on the agenda of the Law, Justice, and Indian Affairs Interim Committee at its third meeting of the interim November 18 and 19 in Missoula.

Women's Prison Discussed...The Committee worked through an options paper for the HJR 37 study of women's prison issues, received additional information on the prison from the Department of Corrections, including an announcement from Director Rick Day regarding developments with the Montana female inmate population at the McKinley County facility in New Mexico. Director Day informed the Committee of McKinley County's cancellation of the contract with Correctional Services Corporation, the organization operating the prison, and the options the Department is considering for housing the 56 female inmates currently at the New Mexico facility.

As part of the HJR 37 study, the Committee will hear a presentation at its February meeting from the Department of Corrections about the inmate classification system, particularly as it pertains to female inmates.

Committee Hears from Parole Board...Craig Thomas, Executive Director of the Board of Pardons and Parole, provided the Committee with information on the make-up and function of the Board, caseloads, and the Board's plans for the two new administrative officers approved by the 1999 Legislature. Thomas reported that one of those FTEs will be assigned to operate a satellite office in Billings, allowing the Board to be involved in the initial classification of female inmates at MWP.

Revisions to Burial Protection Act Sought...Germaine White from the Salish-Kootenai Tribal Preservation Office and Rob Hunter from Salish-Kootenai Tribal Legal Services discussed the 1991 Human Skeletal Remains and Burial Site Protection Act (MCA Title 22, chapter 3, part 8), specifically how it is working and some areas in which they are requesting changes to the law. For the most part, White and Hunter reported, the law is working well to protect human remains and burial objects when those items are discovered on state and private land. One of the problems that they have encountered, however, is the absence of retroactivity in the law, which leaves unclear the procedure for the return of human remains that a person may have had in his or her possession prior to 1991. Another issue is the absence of any funding to defray the travel expenses incurred by members of the

Burial Board. The 1991 Legislature allocated \$5,000 per year for the biennium to offset those expenses, but board members have since traveled to annual meetings at their own expense. White and Hunter also asked for clarification in state law regarding responsibility for burials discovered on fee land within the boundaries of the reservations. They noted that in most of those cases, the state law, rather than the federal equivalent (the Native American Grave Protection and Repatriation Act) has been applied, but they believe it should be articulated in the law. The Committee agreed to revisit the proposed revisions at a future meeting.

Committee Hears DOJ Overview...Steve Bullock and JanDee May from the Department of Justice (DOJ) provided the Committee with an overview of the DOJ's programs, described some of the projects DOJ staff are engaged in, and previewed a few of the issues that the DOJ may be bringing to the 2001 Legislature. Bill Unger, Administrator of the Forensic Sciences Division, explained his Division's role in investigating criminal cases and took several Committee members on a tour of the new Forensic Sciences building nearing completion on Missoula's west side.

To Meet in Helena...The Committee will meet next on December 10 in the Supreme Court chambers, 4th floor of the Justice Building, in Helena. This meeting will be a bit of a departure from the Committee's regular meeting regimen. Half of the day will be spent exploring the Committee's statutory function as a liaison with the judiciary and half will focus on the SJR 14 sentencing study.

For more information on the Law, Justice, and Indian Affairs Committee, contact Leanne Kurtz at 444-3064 or via e-mail at <lekurtz@state.mt.us>.

COUNTDOWN TO CENSUS 2000: APRIL 1, 2000

The following information was borrowed from the United States Census 2000 Frequently Asked Questions website. Visit the Census Bureau at <http://www.census.gov> to learn more about Census 2000 and what you can do to ensure a successful census in which everyone in your community is counted.

Isn't there an easier way that would take less time and money, such as use of public records or private companies, to compile the population figures?

No other government agency has information on every person in the United States. And no private company is equipped to bring on the number of temporary workers needed to take the census. Some people think that the Postal Service ought to do the census. The Postal Service delivers all the questionnaires that are mailed to individual addresses and picks up and returns the bulk of them. But we still need to hire temporary workers to visit those households that do not mail back a questionnaire. The key job for postal workers is to assist the U.S. Census in developing the address list and to locate mailboxes. Right now, the best way for

American taxpayers to save money on the census is to fill out and mail back their census questionnaire.

Remember to fill out and return your census form when it arrives in March, 2000!

THE BACK PAGE

MONTANA COMMUNITIES PLAN FOR THE FUTURE

by Mary Vandebosch, Resource Policy Analyst
Legislative Services Division

INTRODUCTION

Montana will enter the next century with quite a few more people than were living in the state at the turn of the last century. There were approximately 240,000 people living in Montana in 1900. Depending on who you ask, the state is expected to have somewhere between 896,000 and 937,000 residents in the year 2000.

Some areas of Montana have seen significant increases in population during the 1990's. While Montana's population grew by about 10 percent between 1990 and 1998, several counties saw increases of 20 percent or more during this time period:

- ▶ Ravalli County (41%)
- ▶ Jefferson County (27%)
- ▶ Broadwater County (25%)
- ▶ Gallatin County (24%)
- ▶ Stillwater County (24%)
- ▶ Lake County (22%)
- ▶ Flathead County (21%)

At the same time, some Montana counties lost people during the 1990's. The most rapidly shrinking counties are all located in eastern Montana:

- ▶ McCone County (-14%)
- ▶ Powder River County (-13%)
- ▶ Garfield County (-12%)
- ▶ Daniels County (-12%)

Whether growing or shrinking, some Montana communities are designing a vision for their future and developing growth policies under a new state law.

NEW LAW PROVIDES GUIDANCE FOR LOCAL GROWTH POLICIES

The 1999 Montana Legislature renovated an old tool for community development and land use planning -- the comprehensive plan or master plan. Senate Bill (SB) 97 was introduced by the request of the Environmental Quality Council (EQC) as the result of an interim study of growth issues. The bill was approved by the Legislature (Chapter 582, Laws of 1999) and became law on October 1st of this

year.

Local governments (counties, cities and towns) have been authorized to adopt master plans for many years. Under the new law, master plans or comprehensive plans are now called "growth policies", and they must meet minimum requirements. Development of growth policies continues to be optional.

The new requirements for a growth policy are set forth in section 76-1-601 of the Montana Code Annotated (MCA). Some of the key elements that must be included in a growth policy are highlighted below:

- ▶ a strategy for development, maintenance, and replacement of public infrastructure;
- ▶ an implementation strategy;
- ▶ a list of conditions that will trigger a revision of the growth policy;
- ▶ a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;
- ▶ an explanation of how the governing body will coordinate and cooperate with other jurisdictions (i.e., cities with surrounding counties and vice versa); and
- ▶ an explanation of how the governing body will evaluate and make decisions regarding proposed subdivisions with respect to the "public interest" criteria established in section 76-3-608 (3)(a), MCA. The public interest criteria are agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety.

The new law provides some additional options for local governments. The law specifically authorizes the adoption of neighborhood plans as long as a growth policy has been adopted for the entire jurisdictional area and the neighborhood plan is consistent with the growth policy.

Furthermore, local governments may choose to cover some of the issues that are now dealt with during subdivision review in the growth policy instead. The growth policy may address the public interest criteria and identify specific geographic areas where review of these criteria will be waived. If the governing body adopts zoning regulations that address the public interest criteria for these designated areas, it may skip review of these criteria during the subdivision review process.

The EQC recommended this change in order to provide an incentive for local governments to deal with these issues "up front" in a community policy development process rather than one subdivision at a time. One person who commented during the EQC study stated the problem succinctly:

Many communities find that their land use policies are written after the fact as a consequence of subdivision review, rather than in advance

through a thoughtful process of community planning.

MONTANA COMMUNITIES DEVELOP GROWTH POLICIES

Growth policies (comprehensive plans) are being developed in several Montana counties: Beaverhead, Big Horn, Gallatin, Lake, Lewis and Clark, Sanders, and Sweet Grass. Powder River County is planning to develop a growth policy and Ravalli County is considering the possibility.

Cities and towns, including Bozeman, Dillon, Great Falls, and Hamilton, are also planning for the future. Manhattan and Polson are planning to develop growth policies.

GROWTH POLICES ARE NOT JUST FOR GROWING COMMUNITIES

Some communities that are shrinking or growing slowly are also developing or planning to develop "growth policies" under the new law. Examples include the city of Great Falls, Beaverhead County, and Powder River County. The term "growth policy" may not seem appropriate in these areas; some communities choose to refer to the document as a comprehensive plan.

A statement in the draft Great Falls City-County Comprehensive Plan illustrates why any community -- growing or shrinking -- may choose to plan:

Planning allows the community to envision its future and proactively work to achieve it instead of just reacting and moving from one short-range, quick-fix solution to another as events occur.

A review of a sampling of the goals and principles contained in some of the current draft growth policies that are under consideration in various Montana communities may illustrate why this tool could be useful for any community:

- ▶ Encourage a healthy, diversified, and sustainable economy by supporting existing businesses, making prudent infrastructure investments, and attracting new businesses that are compatible with and complementary to the community.
- ▶ Control and eradicate noxious weeds.
- ▶ Protect property rights and values.
- ▶ Encourage development in areas without environmental constraints.

- ▶ Encourage the continuation of viable farming and ranching opportunities.
- ▶ Improve maintenance of county roads.
- ▶ Protect air quality.
- ▶ Increase emphasis on tourism development.
- ▶ Ensure adequate fire and law enforcement protection.

WHERE TO GET MORE INFORMATION

The Community Technical Assistance Program (CTAP), administered by the Montana Department of Commerce, provides technical assistance for community planning, development, and finance. The program provides publications, videotapes, and regional workshops on topics including planning, subdivision and surveying regulations and procedures, zoning, grants, and financing. You can call CTAP at (406) 444-3757 or visit their web site at <http://commerce.state.mt.us/LocGov/Com/ctap/index.html>.

CTAP is sponsoring the "Planning Montana, A Town Meeting" television series. Montanans involved with community development topics explore issues and answer questions from the public on the programs which are broadcasted by the KUSM-TV public television station. Upcoming programs will address growth policies.

January 17, 2000-- 8:00 p.m. "Preparing a Community Growth Policy"
February 7, 2000 -- 8:00 p.m. "Implementing a Community Growth Policy"

The EQC's report "Planning for Growth in Montana" is available from the EQC office (444-3742). The EQC's Land Use/Environmental Trends Subcommittee is monitoring implementation of SB 97 and is evaluating the need for funding to develop growth policies. For more information, please contact Mary Vandenbosch at 444-5367 or by e-mail at <mvandenbosch@state.mt.us>.



INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED,
ALL MEETINGS ARE HELD IN HELENA.

DECEMBER

December 1, Eminent Domain Subcommittee, City-County Building, Room 330, 316 N. Park Avenue, 9 a.m.

December 1, MEPA Subcommittee, Department of Environmental Quality, Director's Conference Room, 1520 E. Sixth Avenue, 9 a.m.

December 2, Land Use/Environmental Trends Subcommittee

December 2, Environmental Quality Council, City-County Building, Room 330, 316 N. Park Avenue

December 8, Information Technology Management Subcommittee

December 9, Legislative Finance Committee

December 10, Law, Justice, and Indian Affairs Committee, Department of Justice, Supreme Court chambers, 215 N. Sanders

December 13, Districting and Apportionment Commission, Federal Building, Room 487, 1 p.m.

December 15-16, Legislative Audit Committee

December 24, Christmas observed, holiday

December 31, New Year's Day observed, holiday

JANUARY

January 13-14, Business, Labor, and Agriculture Committee

January 17, Martin Luther King Jr. Day, holiday

January 20-21, State Administration, Public Employee Retirement Systems, and Veterans' Affairs Committee

January 21, Environmental Quality Council

January 28, Legislative Council, Federal Building, Room B7, 9 a.m.

FEBRUARY

February 10, Postsecondary Education Policy and Budget Subcommittee, Federal Building, Room B7, 9 a.m.

February 10, Local Government Subcommittee

February 11, Education and Local Government Committee, Federal Building, Room B7

February 21, Presidents' Day, holiday

February 25, Children, Families, Health, and Human Services Committee

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